

S.B.CRIMINAL MISC. BAIL APPLICATION NO.2028/2006

Date : 05.07.2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. Mridul Jain for the applicant.
Mr. Public Prosecutor for State.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the case diary and the impugned order.

The contention of learned counsel for the applicant is that in the instant case recovery of contraband material has been made from Bhagawat Singh and Phoolchand. According to learned counsel, there is no relation whatsoever of the accused-applicant with the Opium recovered from other accused. He further submits that only on the statement of other accused to the recovering party that Opium was given to them by the accused-applicant, he cannot be held guilty when there is no evidence to show that the statement made by other accused is correct and only on the basis of statement of other accused, the present applicant cannot be deprived of right of the bail.

On the other hand, learned Public Prosecutor has opposed the bail application.

I have considered the submissions made before me and carefully gone through the material available on record.

Without expressing any opinion on the merit of the case, I deem it to be a fit case to grant anticipatory bail to the applicant as provisions of Section 37 of the NDPS Act are not attracted in the instant case. Accordingly, the anticipatory bail application is allowed and it is directed that in the event of arrest of applicant Sattu alias Satya Narain son of Udai Lal Nagarchi (Dholi) by I.O./S.H.O. in FIR No.156/2005 P.S. Shambhupura, District Chittorgarh, he shall be released on bail provided he furnishes a personal bond in the sum of Rs.30,000/- alongwith two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of Investigating Officer on the following conditions:-

- (i) That he shall make himself available for interrogation by a police officer as and when required;
- (ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;
- (iii) That he shall not leave India without the previous permission of the Court.

(SATYA PRAKASH PATHAK), J.